

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

March 22, 2010

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **March 22, 2010**, at 8:51 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mrs. Nicole Scott Ewing, County Attorney; Mr. Joshua A. Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Steve C. Davis, Council Member District No. 8, was excused from the meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held February 8, 2010; Public Hearing for the Community Development Block Grant Program and a Regular Meeting of Council held February 22, 2010.

Council Member Steve Davis: "Does this address that verbatim part of the minutes addressing any of this or we done passed that for the night?"

Ms. Barbara Austin, Clerk of Council: "[inaudible]"

Council Member Steve Davis: "Oh, that's not yet. Oh, ok. I want to clear that up when we get to it if we can."

Chairman Daniel Davis: "Well, it would apply – these were the minutes we were talking about, were they not?"

Ms. Austin: "[inaudible]"

Chairman Daniel Davis: "Ok; so these minutes – the minutes we have are verbatim now?"

Council Member Schurlknight: "No."

Chairman Daniel Davis: "Ok; these are not verbatim minutes. Is that what you're talking about?"

Council Member Steve Davis: "Yeah, that's what I'm talking about."

Chairman Daniel Davis: "Right; the motion last week, the last meeting was in Committee, and it would affect the minutes from that meeting forward, but it did not include the February 22nd minutes."

Council Member Steve Davis: "Ok."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "In talking about the February 22nd Regular Meeting of Council, and on the part of the minutes back here when we went through the nominations for memberships on boards and commissions, there was a lot of stuff. I understand that the Clerk – they kind of paraphrase and try to put everything together, but I think there was some information that needed to be in this, and I realize the vote at the last one on the verbatim was taking off from that night. Is there any way that we could go back and not approve these minutes and then make those verbatim, or as close to?"

Chairman Daniel Davis: "Actually, the motion in last meeting was in Committee. That didn't really affect the full Council minutes anyway. So, I think we could ask that the minutes, the full Council Meeting minutes, be verbatim."

Council Member Schurlknight: "Right; what I'm saying is if we approve these now, will that preclude us from going back and changing them to verbatim?"

Chairman Daniel Davis: "It would. I think we had an earlier incident where it would, so yes."

Council Member Schurlknight: "Right; I just think there's some information that needs to be in these minutes during that time if we approve them."

Chairman Daniel Davis: "Could we get..."

Ms. Austin: "Mr. Chair..."

Chairman Daniel Davis: "Could we get a copy of verbatim minutes and these, and then have them ready for the next meeting, and then we'll approve whichever ones Council wants to approve."

Ms. Austin: "Yes, sir. The minutes that you have are proper minutes. Proper minutes are a record of action taken. It does not include all of the discussion."

Council Member Schurlknight: "Right."

Ms. Austin: "And, that's the minutes that you have."

Chairman Daniel Davis: "Ok, but for the next meeting, if we could have both sets, and then we'll..."

Ms. Austin: "From this – which date?"

Chairman Daniel Davis: "February 22nd – a set of verbatim minutes, as well as general minutes that you already did."

Ms. Austin: "Of the Regular Council Meeting?"

Chairman Daniel Davis: "Could we do that?"

Ms. Austin: "Yes, Sir."

Chairman Daniel Davis: "And then we'll adopt them."

Council Member Schurlknight: "Ok."

Chairman Daniel Davis: "At this time, as we do at each meeting, we have an opportunity for public discussion..."

Ms. Austin: "Mr. Chairman? Could you approve your Special Meeting and your Public Hearing minutes?"

Chairman Daniel Davis: "Ok, thank you. I'll entertain a motion then for the Special Meeting minutes of Council on February 8th..."

Council Member Farley: "So move."

Council Member Steve Davis: "Second."

Chairman Daniel Davis: "Ok, and the Public Hearing minutes of February 22nd."

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve the minutes** from a Special Meeting of Council held February 8, 2010 and a Public Hearing for the Community Development Block Grant Program held February 22, 2010 as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Chairman Daniel Davis: “Ok; again, as we do at each meeting, we have an opportunity for anyone to address Council on any item that’s on the agenda. And so, at this time, if you would like to address Council, the same rule is applied in the Public Hearings. Please state your name and address, and we’d ask that your comments be limited to three minutes. Is there anyone here who would like to address Council on items on the agenda?”

There was no public discussion.

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

Chairman Daniel Davis: “At this time, I’m going to take a little liberty under my time on the agenda. We had some questions that were asked of County Council at the end of our last meeting. And there – some of these, there has been a good bit of discussion about, and I thought it would be appropriate to answer those questions, and get them into the record. So, tonight, I’m going to read – we spent a good bit of – staff has spent a good bit of time preparing the answers to these to make sure that they’re correct. So, I am basically going to read them.”

“The first question – the taxpayer had questions regarding Council travel and expense reimbursement, and the question was asked, ‘Is it considered acceptable Council policy to reimburse members for their annual dues paid to private organizations? What checks and balances does Council have in place?’ And, this is the answer. Dues paid to professional and/or business-related organizations are generally acceptable business expenses. Council has its own budget, and each of the expenditures submitted by County Council is reviewed and signed by the Clerk of Council before sending it to Finance for payment processing. The citizen also suggested that County Council consider a Citizen Oversight Committee to review Council expenditures, and Council, of course, can certainly do that if it chooses to.”

“The next question regarding an item that was seen in the 2008 audited financial statements, and the amount of this was 1.7 million dollars, and the question was asked why this was not included in the budget. The 1.7 million dollars mentioned in the financial statements is not related to the State Retirement System. There was some confusion that that was an expense for state retirement that was not paid. The 1.7 million dollars revealed was the new accounting requirement for other post-employment benefits. Several years ago, a new rule was instituted by

the Governmental Accounting Standards Board that required governments to record the reliability of future retiree benefits other than pensions while employees are working. At Berkeley County, after an employee is eligible to retire and has been with the County for an amount of time, the County pays a certain dollar amount toward their health insurance if the retiree chooses to participate in the State Health Plan. Before this rule changed, the County was on a pay-as-you-go plan, and our annual cost for this post-employment benefit was approximately \$140,000. This new accounting rule requires us to record the projected future cost of this benefit. Fiscal year 2008-2009 was the first year we were required to report this in our financial statements. We have formed a committee made up of staff and two Council Members who are looking at this item further, and it is my understanding, we will be having a workshop in the near future to learn what our options may be to reduce this liability. In addition, Council will need to make a decision on how to provide for its funding.”

Council Member Farley: “Mr. Chairman?”

Chairman Daniel Davis: “Yes, Sir, Mr. Farley.”

Council Member Farley: “At our last GASBY meeting, Kace and I and everyone else that was there decided that the entire Council needs to be in on this, and we will be having a workshop meeting very soon. Did you figure the date on that yet, Kace?”

Ms. Kace Smith, Finance Director: “Mr. Schurlknight and I are working on a date for that workshop.”

Council Member Farley: “Ok, it could be prior to a Council Meeting, maybe, an hour early. This is something that I want everyone in on board on.”

Council Member Callanan: “Thank you.”

Chairman Daniel Davis: “Ok; the next series of questions related to the methane gas project at the Landfill, and the question was, ‘How much did it cost the citizens and taxpayers of Berkeley County to insert the pipes or the pumps that draw the methane off the Landfill?’ The answer is – so far we have spent \$2,020,386 with another \$204,403 remaining on the contract, for a total of \$2,224,789. ‘Has a market been found?’ Obviously, this related to the use of the methane or the gas. Yes, we have contracts in place to sell renewable energy credits in the form of carbon set-offs and to sell our – and that’s on a market like a stock market exchange, and then, we will also sell our Landfill gas to Santee Cooper. That contract is already in place. ‘And, where’s the revenue going?’ We have not started receiving any revenue yet. These new revenues will be used to offset the cost of the design, construction and permitting of the project and other projects at Council’s discretion, such as recreational opportunities in the County. Berkeley County’s Solid Waste Section has not increased its rates in more than eight years. Additionally, the Solid Waste Section does not rely on local tax monies to operate, but instead user fees and gate charges are the source of revenues. So, the taxpayers really are not paying for this by way of taxes. It goes – it comes in the form of fees that the Landfill charges.”

“And then, finally, one that – no we have two more. The question was asked about actually, my position’s salary, because there’s been a lot of discussions about that and a lot of misinformation that is circulating through the County regarding the amount that the Supervisor’s salary has increased since I took office. When I took office, I received the same pay as the last County Supervisor, which at that time on January 1, 2007 was \$119,333.07. Through the years, I have received the same increases, merit and cost of living, as all other County employees and most elected officials, and this is based on a resolution that was passed back in 1999 that, because of the discussions every year with elected officials salaries, Council passed a resolution that set up how those – those positions were – the increases were to be paid. Currently, the Supervisor’s position pays \$131,448.18. From February 2009 to June 2009, County employees had three furlough days. It was our intent that all elected officials, including Council, that there pay would be reduced, but unfortunately, by state statute, the County is not able to reduce elected officials salaries while they are in office. Because employees were taking a reduction and the Supervisor’s salary could not be reduced, I gave back or donated, to the County last year to comp – to make the difference of three days in pay, so that my – I did not receive any additional benefit over and above what all the other employees did. Beginning in July 2009, most County employees, except for deputies, took about a 1.154 percent reduction in pay. Before the end of the fiscal year, I will contribute an equal amount like I did last year to make sure I am in the same position as the rest of the County employees.”

“Ok; then there’s one other – there was another question that was brought up regarding the water that’s discharged in several different areas in the County, what we call flushing, and the numbers that were given. This was related to the 311 portion of the Cross Area Water Project, and the numbers of the gallons that were used to flush that line made it sound like it was a large amount of expense to the County. So, the question was, ‘How much does it cost the County for the amount of water that’s used to flush systems?’ And, the answer is, we flush about 125,000 gallons per month for the section Highway 311, that portion of the Cross Area Water Project. The annual cost to the County, the annual cost to the County is about \$263. For the entire County system, that’s the entire County water system, we use about 5.2 million gallons per month, for an annual cost of approximately \$11,000. So, all over the County, there’s places where we have to flush water to keep the water fresh, but that cost, Countywide, that annual cost Countywide is \$11,000, and the Highway 311 flush, the amount of water that we use there is about 2.4 percent of the total system flush. And, of course, the reason that we do that is to maintain, make sure that the water that’s in the line is maintained fresh and safe for our customers.”

“So those were the questions that were asked last month. I hope that answers those, and we’ll have questions tonight, and if need be, we’ll answer those and bring them back at the next meeting.”

THIRD READING

“BILL NO. 10-01, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #032-00-03-040.”

(South Carolina Public Service Authority)

It was moved by Council Member Farley and seconded by Council Member Pinckney to approve Bill No. 10-01 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-03-02 is attached to these minutes.)

“BILL NO. 10-02, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, REGARDING PROCUREMENT PROCEDURES FOR BERKELEY COUNTY WATER AND SANITATION.”

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to approve Bill No. 10-02 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-03-03 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 10-03, AN ORDINANCE TO ADD AND AMEND CERTAIN SECTIONS OF ORDINANCE NO. 04-11-68, ADOPTED NOVEMBER 23, 2004, WHICH AMENDED ORDINANCE NO. 01-08-35, ADOPTED AUGUST 27, 2001, AND ORDINANCE NO. 02-08-33, ADOPTED AUGUST 26, 2002, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ‘BERKELEY COUNTY ZONING ORDINANCE’.”

“BILL NO. 10-04, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #122-00-03-145.”
(Michelle Cooper for Lois Dangerfield)

It was moved by Council Member Callanan and seconded by Council Member Schurlknight to approve Bills Numbered 10-03 and 10-04 for Second Reading. The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Daniel Davis stated there were five bills for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

“BILL NO. 10-05, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #221-00-00-137,

#221-00-00-062, #221-00-00-083, #221-00-00-092, #221-00-00-087, #221-00-00-089, #221-00-00-145, #221-16-01-019, #221-16-01-020, #221-16-01-022 AND #221-16-01-038.”
(MeadWestvaco)

“BILL NO. 10-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #051-00-00-010.”
(Wash & Lizzie Johnson)

“BILL NO. 10-07, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #196-00-00-037.”
(Ashley Surveying for Coleman Dangerfield)

“BILL NO. 10-08, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #087-00-04-059.”
(Lewis Mills)

“BILL NO. 10-09, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER SERVICE PROVIDED BY THE BERKELEY COUNTY WATER AND SANITATION.”

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2009-2010 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

The proposed resolution for a transfer of funds was not needed this night.

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE PURPOSE OF CREATING AN UPDATED DIGITAL FLOOD MAP FOR BERKELEY COUNTY.”

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve the resolution** authorizing a **Memorandum of Agreement** with the Federal Emergency Management Agency to create an updated digital **flood map** for Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-13 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE COUNTY TO EXECUTE AND SUBMIT A JOINT FEDERAL AND STATE APPLICATION FOR ACTIVITIES AFFECTING WATERS

OF THE UNITED STATES OR CRITICAL AREAS OF THE STATE OF SOUTH CAROLINA, ('SECTION 404 PERMIT APPLICATION'), TO THE US ARMY CORPS OF ENGINEERS ON BEHALF OF **MWV-SHEEP ISLAND, LLC**, TO FACILITATE CERTAIN INFRASTRUCTURE IMPROVEMENTS CONTEMPLATED IN THE BERKELEY COUNTY, SOUTH CAROLINA STATE INFRASTRUCTURE BANK GRANT APPLICATION."

It was moved by Council Member Farley and seconded by Council Member Pinckney to **approve the resolution** authorizing submission of a Section 404 Permit Application to the US Army Corps of Engineers on behalf of **MWV-Sheep Island, LLC**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-14 is attached to these minutes.)

"RESOLUTION TO APPOINT AND COMMISSION CODE ENFORCEMENT OFFICERS FOR THE PROPER SECURITY, GENERAL WELFARE AND CONVENIENCE OF BERKELEY COUNTY."

It was moved by Council Member Fish and seconded by Council Member Schurlknight to **approve the resolution** to appoint and commission **Code Enforcement Officers** of Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-15 is attached to these minutes.)

"RESOLUTION TO APPOINT AND COMMISSION CODE ENFORCEMENT OFFICERS FOR THE PROPER SECURITY, GENERAL WELFARE AND CONVENIENCE OF BERKELEY COUNTY."

It was moved by Council Member Farley and seconded by Council Member Fish to **approve the resolution** to appoint and commission **Code Enforcement Officers** of Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-16 is attached to these minutes.)

"RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY WATER AND SANITATION AND AUTHORIZING THE SALE OF SURPLUS PROPERTY."

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve the resolution** designating **surplus property of Berkeley County Water and Sanitation** and authorizing sale of same. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-17 is attached to these minutes.)

"RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$337,765.00 FROM THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM FOR THE PURPOSE OF INSTALLING ENERGY EFFICIENCY IMPROVEMENTS IN BERKELEY COUNTY FACILITIES."

It was moved by Council Member Schurlknight and seconded by Council Member Callanan to **approve** acceptance of a **grant**, in the amount of \$337,765.00, from the **Energy**

Efficiency and Conservation Block Grant Program. The motion passed by unanimous voice vote of Council. *(A copy of Resolution No. 10-18 is attached to these minutes.)*

PROCLAMATION

“PROCLAMATION DECLARING THE WEEK OF APRIL 11-17, 2010 TO BE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK.”

It was moved by Council Member Callanan and seconded by Council Member Cathy Davis to **approve** the **proclamation** declaring April 11-17, 2010 as **National Public Safety Telecommunications Week**. The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night.”

a. General Obligation Bonds, Series 2009A, Proposed Project List

Chairman Schurlknight: “On recommendation of the Committee, I move to **approve** the General Obligation Bond Series 2009A Proposed Project List.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Trident Technical College Funding Request

Chairman Schurlknight: “Finance Director Kace Smith presented the Committee with information in regard to the Trident Technical College Request. The action, we labeled ‘**tabled**’ until April’s meeting.”

c. Bond Anticipation Note Update

Chairman Schurlknight: “Also, Ms. Smith presented the Committee with the information in regard to the Bond Anticipation Note update. No action was taken.”

(That concluded Chairman Schurlknight’s report.)

Committee on LAND USE

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “The Committee on Land Use met on March 8th. Many of the matters have been addressed tonight, earlier.”

**Recommendation to Approve Request for Extension of 2009 Assessment
[TMS #082-00-01-030 Ms. Amy Stewart]**

Chairman Farley: “On recommendation of the Committee to **approve** the request for an extension to file for an assessment on TMS #082-00-01-030, property of Ms. Amy Stewart.”

Supervisor Daniel Davis: “We have a motion. Is there any discussion? Hearing none, all those in favor say Aye.”

Council Members Callanan, Call, Cathy Davis, Fish, Schurlknight and Pinckney: “Aye.”

Council Member Farley: “Nay.”

The motion passed by majority voice vote of Council.

(That concluded Chairman Farley’s report.)

**Committee on PUBLIC WORKS AND PURCHASING
Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “Thank you, Mr. Chairman. The Committee on Public Works and Purchasing met earlier this evening.”

a. Berkeley County Government Medical Service Provider

Chairman Call: “On recommendation of the Committee, I move to **approve** the retention of the medical services provided by the Industrial Medical Center, Dr. Schaefer for 2010-2011.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**b. Sole Source Purchase for Detention Center
[Four 26012 Tasers from Data Source, Taser International and DTC Communications]**

Chairman Call: “On recommendation of the Committee, I move to **approve** the sole source purchases for the Detention Center and Sheriff’s Department: four (4) tasers 26012 from Taser International, \$6,846.01; software for the Forensics Lab from Data Source, \$18,360.00; digital repeater from DTC Communications, \$10,291.32.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Best Value Bid for Dozer – Roads and Bridges Department

Chairman Call: “On recommendation of the Committee, I move to **award** the best value bid for one dozer to Blanchard Machinery Company, in the amount of \$90,390.00.” (No second required.)

Supervisor Daniel Davis: “We have a motion; any discussion? Hearing none, all those in favor say Aye.”

Council Members Callanan, Farley, Call, Cathy Davis, Schurlknight and Pinckney: “Aye.”

Council Member Fish: “Nay.”

The motion passed by majority voice vote of Council.

d. Best Value Bid for Motor Grader – Roads and Bridges Department

Chairman Call: “On recommendation of the Committee, I move to **award** the best value bid for one motor grader to Blanchard Machinery Company, in the amount of \$230,952.00.”

Supervisor Daniel Davis: “We have a motion; any discussion? Hearing none, all those in favor say Aye.”

Council Members Callanan, Farley, Call, Cathy Davis, Schurlknight and Pinckney: “Aye.”

Council Member Fish: “Nay.”

The motion passed by majority voice vote of Council.

(That concluded Chairman Call’s report.)

**Committee on JUSTICE AND PUBLIC SAFETY
Council Member, Steve C. Davis, Chairman**

Acting Chairman Cathy Davis: “The Committee on Justice and Public Safety met on March 8th. Several of the matters before the Committee have been addressed earlier on this night’s agenda.”

Recommendation to Approve Grants for Emergency Preparedness Department:

Acting Chairman Cathy Davis: “On recommendation of the Committee, I move to approve the application for four (4) annually recurring grants for the Emergency Preparedness Department, as follows:

- a. **Local Emergency Management Performance Grant (LEMPG)**
- b. **Citizen Corps Program (CERT)**
- c. **State Homeland Security Program (SHSP)**
- d. **Hazardous Material Emergency Preparedness (HMEP)”**

(No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis’ report as delivered by Acting Chairman Cathy Davis.)

Committee on WATER AND SANITATION
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: “Mr. Chairman, the Committee on Water and Sanitation met on March 8th and earlier this night. All matters before the Committee have been addressed earlier on this night’s agenda.”

(That concluded Chairman Callanan’s report.)

Committee on PLANNING AND DEVELOPMENT
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: “The Committee on Planning and Development met on March 8th and earlier this night. All of the matters before the Committee have been addressed earlier on this night’s agenda.”

(That concluded Chairman Cathy Davis’ report.)

Committee on COMMUNITY SERVICES
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: “No report, Mr. Chairman.”

(That concluded Chairman Pinckney’s report.)

Committee on HUMAN SERVICES
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “Mr. Chairman, the Committee on Human Services met on March 8th. Several of the matters before the Committee have been addressed earlier on this night’s agenda.”

Chairman Fish: “Also, on recommendation of the Committee, I move to **approve the verbatim creation of all Council minutes, both Committee and full Council, beginning with the March 8, 2010 Committee Meetings.**” (*No second required.*)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Fish’s report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Daniel Davis: “Does anyone have any nominations?”

Council Member Callanan: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “To the Pimlico Special Tax District, I’d like to appoint Charles Kahr.”

Chairman Daniel Davis: “Ok, thank you. Any others? Hearing none, all those in favor of the appointment to the Pimlico Special Tax District of Mr. Charles Kahr, please say Aye.”

All Council Members: “Aye.”

Chairman Daniel Davis: “All opposed, Nay.”

None were opposed.

The motion passed by unanimous voice vote of Council.

CORRESPONDENCE

Chairman Daniel Davis: “I just have one item I just wanted to mention. It regards the Census. Hopefully, all of you have received the Census Form in the mail, and the Census Bureau has made a very special effort to try to convince people that it’s important to the County, it’s important to everybody, that these forms are returned and that everybody is counted. This is just a little piece of information that Mr. Call provided me that talks about the privacy and the confidentiality of the answers that you give on the Census Form. By law, by federal law, none of the information on that Census Form becomes public until 72 years, for 72 years. So, a lot of people, I think, are intimidated by the Census Form. They are afraid that private information is

being given out, but the federal law is very careful to protect you in that. So, you know, for you and everyone else that you know, please encourage everyone to return that Census Form.”

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The **April 2010 Regular Meeting of Berkeley County Council** will be held on **Monday, April 26, 2010**, immediately following Public Hearings and other Committee Meetings at **6:00 p.m.**, in the **Assembly Room** of the **Berkeley County Administration Building**, 1003 Highway 52, Moncks Corner, South Carolina.

ADJOURNMENT

It was moved by Council Member Callanan and seconded by Council Member Cathy Davis to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 9:20 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 9:27 p.m.

Chairman Daniel Davis called Ms. Rebecca Miller to the podium.

Ms. Miller: “Hi, my name is Rebecca Miller. My address is 111 Renee Circle, Moncks Corner, South Carolina, 29461. I’m a resident of Strawberry Mobile Home Park. A few weeks ago, we were given the news that we had 45 days to vacate our home, because DHEC was closing us down. We’ve gone back and forth between DHEC and the owner, and we still don’t have a straight answer. We did, however, find out that we were approved. Our park was approved for a grant. Where that grant was allocated to and where the city water was zoned to, we still have questions on and that nobody will really give us a straight answer on where anything is. And, I’m here to see if there’s any way, at all possible, that maybe, we can retry and apply for another grant to keep our home open. Being of low income, we just – some of us just don’t have anywhere else to go that we know. We live day by day just like everybody else.”

Chairman Daniel Davis: “Ms. Miller, I’ll tell you, I’ve been in touch today with the Lowcountry Housing Trust. There are some agencies around that may be able to give some

assistance. I know a little bit about the issue with DHEC and the fact that, you know, the water has been available there for quite some time. I think you're correct. I think there was a grant to run water along, you know, in the vicinity, and the owner of the trailer park, I believe, had the opportunity to connect to that system and bring fresh water in there and just never did that. Your situation has certainly been recognized by a lot of people. I've had a lot of calls, and we've had several meetings at the staff level trying to come up with solutions. Let me ask you this. Do you own your mobile home?"

Ms. Miller: "Yes, Sir, I do."

Chairman Daniel Davis: "Ok. Is yours one that can be relocated, because it meets the standards?"

Ms. Miller: "I am a Wind Zone 2. It's a 1984. My problem is most of the parks that I've called to move my home to want us to re-side it, re-vinyl, re-vinyl side it, re-shingle it, and skirt it in, which is more money that I just – I really don't have."

Chairman Daniel Davis: "Well, again that's – you know, we've contacted Lowcountry Housing Trust and some other folks on your behalf, and hopefully, we, you know, there will be some solutions. Don't know that, but we are certainly trying to do that. I'm glad to know that yours meets the Wind Zone requirements. That makes it much, much easier. So, we will be in touch if we can come up with anything that will be helpful. We'll certainly be in touch."

Ms. Miller: "Thank you very much."

Chairman Daniel Davis: "You're welcome."

Chairman Daniel Davis called Mr. Gary Miller to the podium.

Mr. Miller was not in the audience.

Chairman Daniel Davis called Ms. Sharon Hoffman to the podium.

Ms. Hoffman was not in the audience.

Chairman Daniel Davis called Ms. Betty Mizzell to the podium.

Ms. Mizzell was not in the audience.

Chairman Daniel Davis called Mr. Mark Jordan to the podium.

Mr. Jordan: "I'm Mark Jordan, 960 Tall Pine Road, Mt. Pleasant, South Carolina. I'm currently developing a gas station at 1270 Redbank Road. It was a site of a kind of an old, rundown strip center that I bought. That's what I do. I develop gas stations. In the process of applying for permits, I learned that my canopy contractor was charged \$1,600 to erect a canopy, which is about three to four times more than I've ever paid. And, I've been working with Mr.

Call to try and figure out, you know, exactly what we can do about it. I think I've uncovered an error in the way the fees are calculated and would like ya'll to take a look at that. In the scheme of things, it's not that much money compared to the project, but it kind of comes down to the point of it. You know, it's a pretty big overcharge, and you know, as a small business guy, I'm trying to save money anywhere I can. So, thank you."

Chairman Daniel Davis: "Thank you. I know that the staff has spent a good bit of time – I've had some meetings with them too about it. So, I think we're – I think everyone is trying to come up with a resolution."

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, Sir, Mr. Call."

Council Member Call: "If I may expand on what he said. I guess what the Code Enforcement people are going by is actually out of a magazine on construction costs. Where's Wilson? I'll take you too, Ronnie. What concerns me, and any of you can answer this, and I understand this is not an assessor problem, but I understand, you understand, evaluations very well. What concerns me is we are using a table of square-foot construction costs, and how much more did you say your permit was in Berkeley County?"

Mr. Jordan: "The last one I built is in Knightsville in front of a Publix, and we paid about \$700. This one was \$1,600."

Council Member Call: "So, it's over two times."

Mr. Jordan: "Yeah, and the average canopy costs..."

Council Member Call: "And I would think, and I talked to Wilson a few minutes before the meeting, that a contract and multiple contracts showing the cost of this canopy would indicate to me that this list that's being used, there's something wrong with it. I mean, a \$58.37 a square-foot for a canopy, when the same canopy over in another county is probably less than half that. I think there's an obvious error in this. Now, Mr. Brewer, let me ask you, is there anything that's set in stone that says we have to use this?"

Mr. Ronnie Brewer, Chief Building Inspector: "Our ordinance says that we use the ICC evaluation table, and the evaluation table comes out two different times throughout the year from ICC, the International Code Council. We update our charges once a year on July 1st, and the rate that Mr. Jordan was charged was from the utility, which is the cheapest that's on the commercial end. We don't take contract prices on anything other than remodels of existing buildings, because it's nothing on the evaluation table to go to, you know, when someone is going in to remodel a building. So, we do use contract amounts then. That's the only time that we have since we've adopted this ordinance, and actually, ordinance prior to that have always used evaluation table."

Council Member Call: “When you have three bids on, basically, the same type structure, and their less than half of this, how do you explain the difference?”

Mr. Brewer: “Well, I didn’t know I was gonna be put on the spot tonight to explain the difference, but I explain the difference with the fact that everybody is treated fair across the board. Everybody is charged the same thing across the board, and it’s a – and I’m not disputing what Mr. Jordan has on his contract amounts there. I’m not disputing that at all, but I can give you a contract amount for \$100 to build this. Wilson could give you a contract for \$200 to build it.”

Council Member Call: “I’m looking at paid invoices.”

Mr. Brewer: “I haven’t even seen those invoices.”

Council Member Call: “Hmm?”

Mr. Brewer: “I haven’t seen those invoices.”

Council Member Call: “Well, their paid invoices, and I don’t think he paid...”

Mr. Brewer: “I’m just saying, you know, I, personally, have not seen those invoices right there.”

Council Member Call: “Ok.”

Mr. Brewer: “But...”

Council Member Call: “Well, I mean, you indicated that you could get a contract for anything. I’m showing you what the gentleman paid for the canopy.”

Mr. Brewer: “Well, if this Council so deems it that we take contract amounts, then we will work our ordinances up to do that, if that’s what ya’ll want us to do.”

Council Member Call: “Mr. Brewer, what I’m suggesting is that – is the attorney still here?”

Ms. Nicole Scott Ewing was present.

Council Member Call: “Do we have any authority to correct an error, an obvious error, like this?”

Ms. Ewing: “I would have to research it. I know that we are bound by the code. I would have to see if there’s any flexibility in the codes or any sort of appeal process or amendment process. I am not intimately familiar [inaudible, due to someone fiddling with a microphone].”

Mr. Brewer: “The building codes do leave it up to the jurisdiction to – and the building official – to finalize what the County charges for permits, but we do that through our ordinances, which come through you guys to get approved – and gal, sorry – before Council.”

Council Member Fish: “Why don’t you get it on the Planning Agenda, and get it changed.”

Council Member Call: “I’m sorry?”

Council Member Fish: “Get it on the Planning Agenda, and get it moving.”

Council Member Callanan: “Get it changed.”

Council Member Call: “Wilson? I know you work on subjects and comparables.”

Mr. Wilson Baggett, County Assessor: “Yes, Sir. Typically...”

Council Member Call: “When you got three – when you’ve got three contracts for three paid invoices, that pretty well establishes a value on something, don’t it?”

Mr. Baggett: “That’s a wide open question. I see a lot of contracts. I see self-contractors, and I see independent contractors. I try not to rely on contracts. I try to look at what something would sell for, and I try to mimic or copy what the market would support. So, I try to live...”

Council Member Call: “Mr. Baggett, this is what it sold for.”

Mr. Baggett: “Yes, Sir.”

Council Member Call: “It’s a paid invoice.”

Mr. Baggett: “Yes, Sir.”

Council Member Call: “And, it seems like that would be a better way to evaluate this canopy than something out of the Building/Safety Journal.”

Mr. Baggett: “I can’t really comment on how they set their fees, but I try to...”

Council Member Call: “I know, but I’m just trying to get you to acknowledge that maybe, after the man put up three canopies for \$110,000 more or less – here we got one that’s all of a sudden – what, quarter-of-a-million.”

Mr. Baggett: “Yes, Sir. Typically, when someone builds for someone, there could be a partnership or there could be a lot of factors involved in a continuation of a business, but that doesn’t necessarily relate to a true market, because the property is going to be worth what someone is willing to sell it for in the end, and that’s where I try to operate from. Contracts can

be designed with a Porsche built inside of them. You could get a Porsche. I build this, and I'll give you a Porsche. You can get this two-story house and a Porsche for \$2,000,000. Now, is the house worth \$2,000,000? No, it's worth what the house is worth, minus all the – you know, I'm trying to say that a contract can be a contract, but it can also not be fully above what we all understand..."

Council Member Call: "No, but it's a better way to determine value."

Mr. Baggett: "I'm not saying it isn't. I'm not saying it isn't, but it's not always the bottom line."

Council Member Call: "Every house that's sold, every house that you assess, has been, most of them, bought with a contract that was closed and deeded and filed with your office."

Mr. Baggett: "We could discuss contracts all night, but I'll just say if you, as a builder, build a house, it's gonna cost you one thing to build it, but you're gonna sell it to me for something else. So, there's two different ways to look at something..."

Council Member Call: "The point I'm trying to make is that Phillips Aluminum Company in Shelby, North Carolina sold a canopy to Mr. Jordan, and it was installed at – I don't see it right off – \$114,800. That pretty well establishes the value to me."

Mr. Baggett: "Ok."

Council Member Call: "I don't think Mr. Jordan is playing games with us on these invoices."

Mr. Baggett: "I'm not saying that either."

Council Member Call: "I don't think he would have paid \$200,000 for a \$114,000 invoice."

Council Member Schurlknight: "Mr. Call, could I ask a question for clarification? Nicole, on this that we are talking about here, bottom line is Ronnie and everybody in the County is working by the ordinance that we set, and that's their guidelines that they've got to work by those guidelines. Now, it's left up to us to go back and revisit it. Like Mr. Call was saying, if you see some inequities in there, and I agree with him, but I think it puts the monkey back on us to get those guidelines in place for Ronnie and everybody else to work by, but that's what they work by. So, they really don't have a lot of wiggle room, and in trying to be fair to everybody that comes through. Is that pretty much kind of paraphrasing where we are?"

Ms. Ewing: "Yes, Sir; and without reading – without having the ordinance in front of me, I was questioning Ronnie a little bit about it. It does not appear that there was any review process or appeal process that was adopted by the ordinance as well. So other than..."

Council Member Call: "Did you say we do have an appeal process?"

Ms. Ewing: "According to Ronnie, there's not one that's included in the ordinance itself."

Council Member Schurlknight: "Right; and that's probably an inequity that we can put in that ordinance. You know, we've got to go back through and revisit it to try to make it more fair."

Ms. Ewing: "Right now, at this time, the only way I know of to change the fee schedule would be to go back and actually amend the ordinance. Now, I don't know what the status of his project is, if he has paid under protest, so to speak, or that kind of thing, but I'm certainly more than willing to go back with Ronnie and do some research and see what options Council does have and if the entire Council desires to change the way that it's been calculated."

Council Member Schurlknight: "Yeah, because to me, it looks like Ronnie and everybody has got their hands tied by the ordinance. That's pretty much what they go by."

Ms. Ewing: "Exactly, that's my sense right now without reading the ordinance itself."

Council Member Call: "Let me ask Ronnie, if you could call these other counties and find out how they came up with their cost figures, because if their – are these adopted by the county or are they adopted by the Building Code Council?"

Mr. Brewer: "No, they are not adopted by the Building Code Council. The Building Code, again, says that the authority having jurisdiction more or less sets the fees, and we set the fees within our ordinance. Ok, the Building Code Council has nothing to do with setting fees. That's up to the local jurisdictions to do that."

Council Member Call: "I'm talking about these costs. Do they say we, you, have to adopt this cost sheet?"

Mr. Brewer: "No."

Council Member Call: "We just did that on our own?"

Mr. Brewer: "We do it on our own. I think other jurisdictions have them as well. I mean, it's worked well for us, you know, to keep a standard there, and across the board, we use the same thing instead of going back and forth on contract amounts."

Council Member Call: "And, I understand that. Builders used to go in there and tell you. One builder would come in there and say \$20,000 for a – that was a long time ago – for a 1,000 square-foot house. Another one would come in there right behind him and say \$12,000, and that's what you'd sell them a permit for. So, something like this had to be done. I understand that. But, would you mind finding out for us what the other counties – how they come up with a different figure?"

Mr. Brewer: "Sure."

Council Member Call: "If they accepted his contract, if they have this ordinance that adopted this, find out what happened."

Mr. Brewer: "Can I have those, so I know the locations? Can I have those papers?"

Chairman Daniel Davis: "We'll get that done. We'll look at it and then prepare..."

Mr. Jordan: [inaudible]

Chairman Daniel Davis: "You need to get over to the microphone, if you would."

Mr. Jordan: "I established the value based on what I pay. I showed my accountant that, and I file a federal tax return that ya'll pull the FF&E, item by item, off of there, and send me a separate personal property tax return. So, you know, if I'd really want to – have to want to lie bad to save \$1,000 here. I've spent a lot of time on this, but it's really come down to the issue of fairness here. I mean, it's triple what I've ever paid before for a less expensive canopy I'm putting up in Berkeley County. You know, I mean, these are hard times for everybody, and I'm investing almost \$3,000,000 in Berkeley County and providing 15 jobs, and I haven't gotten a whole lot of help."

Chairman Daniel Davis: "Well, we'll review it. We'll huddle up tomorrow and look at this."

Council Member Call: "And let me tell you, he's already cleaned up one of the blighted areas. How much acreage is that?"

Mr. Jordan: "Two and one-quarter acres."

Council Member Call: "He's already cleaned it off, so it already looks better. I don't think you've built anything yet."

Chairman Daniel Davis: "Alright."

Mr. Jordan: "Thank you very much."

Chairman Daniel Davis: "Thank you."

Council Member Callanan: "Thank you."

Chairman Daniel Davis: "Elizabeth Bryan?"

Ms. Bryan: "Good evening, Mr. Chairman and County Council. I really appreciate you taking the time to hear us tonight. My name is Elizabeth Bryan, and I live in Donaree Village in North Charleston. My partner and I, Yvette, has just started a not-for-profit organization called

Hope Helps, and we were inspired to do so, because of the Strawberry Mobile Home Park. They have a situation that's happening there, which you've heard just previously that they are being evicted from that place of residence. There's not just one family, but forty families, and there are forty-five trailers there. Now, I did speak with the Chairman regarding this earlier, and I'm just coming here today to sort of look for guidance as to where we need to go to help them and help them get moved and help them get grants and things like that. We want to facilitate those things for them and reach in places that maybe not every person in that area can get to. So, we're looking tonight just for assistance with options."

Chairman Daniel Davis: "Ok; thank you."

Ms. Bryan: "Thank you."

Chairman Daniel Davis: "Mr. Manigault? He must have left. Alright, thank ya'll very much."

Public Discussion concluded at 9:48 p.m.

S/Barbara B. Austin, CCC
Clerk of Council

April 26, 2010
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY March 22, 2010**, following Public Hearings and the meetings of certain Committees at 6:00 p.m., in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Meeting of Council
Public Hearings: Bill Numbered: CDBG
Regular Council Meeting

February 08, 2010
February 22, 2010
February 22, 2010

PUBLIC DISCUSSION - Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 10-01, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **South Carolina Public Service Authority**, 553 Cross Station Road, Cross, Surrounding Land of **TMS #032-00-03-040** (810 +/- acres) **from F-1, Agricultural District to HI, Heavy Industrial District**. Council District No. 7.
[Recommended by Committee on Land Use]

2. Bill No. 10-02, an ordinance to amend the Code of Ordinances, Berkeley County, South Carolina, regarding procurement procedures for **Berkeley County Water and Sanitation**.
[Recommended by Committee on Water and Sanitation]

SECOND READING:

1. **Bill No. 10-03**, an **ordinance** to add and amend certain sections of **Ordinance No. 04-11-68**, adopted November 23, 2004, which amended Ordinance No. 01-8-35 adopted August 27, 2001, and Ordinance No. 02-8-33 adopted August 26, 2002, Zoning and Development Standards Ordinance, “Berkeley County Zoning Ordinance”.

[Recommended by Committee on Land Use]

2. **Bill No. 10-04**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michelle Cooper for Lois Dangerfield**, located near 668 Broughton Road, Moncks Corner, TMS #122-00-03-145 (40.74 acres), **from F1, Agricultural District to PD-MU Planned Development Mixed Use District**. Council District No. 8.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 10-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco**, located at intersection of Rose Drive, Turtle Pond Road, and U.S. Highway 17A, Summerville, TMS #221-00-00-137, -062, -083, -092, -087, -089, -145 and #221-16-01-019, -020, -022, -038 (47.91 acres), **from R1, Single Family Residential District; R2, Manufactured Residential District; GC, General Commercial District; and OI, Office and Institutional District to PDMU, Planned Development-Mixed Use District**. Council District No. 4.

[Recommended by Committee on Land Use]

2. **Bill No. 10-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Wash & Lizzie Johnson**, 1727 County Line Road, Cross, TMS #051-00-00-010 (2.40 acres), **from GC, General Commercial District to F1, Agricultural District**. Council District No. 7.

[Recommended by Committee on Land Use]

3. **Bill No. 10-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ashley Surveying for Coleman Dangerfield**, 271 Lazy Hill Road, Moncks Corner, Portion of TMS #196-00-00-037 (53 +/- acres), **from PDMU, Planned Development Mixed Use District to F1, Agricultural District**. Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 10-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lewis Mills**, 2325 North Highway 17-A, Bonneau, TMS #087-00-04-059 (0.50 acres), **from RNC, Rural & Neighborhood Commercial District to F1, Agricultural District**. Council District No. 6.

[Recommended by Committee on Land Use]

RESOLUTIONS:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2009-2010 Berkeley County Budget** for County purposes other than as specified in said Budget.
[Recommended by Committee on Finance]
2. **RESOLUTION** authorizing the County Supervisor to enter into a **Memorandum of Agreement** with the **Federal Emergency Management Agency** for the purpose of creating an updated **Digital Flood Map for Berkeley County**.
[Recommended by Committee on Planning and Development]
3. **RESOLUTION** authorizing the County Supervisor to execute a **Memorandum of Understanding** with **MWV-Sheep Island, LLC**, to facilitate certain Infrastructure Improvements contemplated in the Berkeley County, South Carolina, State Infrastructure Bank Grant Application.
[Recommended by Committee on Planning and Development]
4. **RESOLUTION** to appoint and commission **Code Enforcement Officers** for the proper security, general welfare and convenience of Berkeley County. (Swearing in of officer presently serving)
[Recommended by Committee on Human Services]
5. **RESOLUTION** to appoint and commission **Code Enforcement Officers** for the proper security, general welfare and convenience of Berkeley County. (Appoint new officer)
[Recommended by Committee on Human Services]
6. **RESOLUTION** designating **Surplus Property** of Berkeley County Water and Sanitation and authorizing the sale of **Surplus Property**.
[Recommended by Committee on Public Works and Purchasing]
7. **RESOLUTION** authorizing **acceptance of a grant** in the amount of **\$337,765.00 from the Energy Efficiency and Conservation Block Grant Program** for the purpose of installing energy efficiency improvements in Berkeley County Facilities.
[Recommended by Committee on Public Works and Purchasing]

PROCLAMATION:

1. **PROCLAMATION** declaring the week of **April 11-17, 2010**, to be **National Public Safety Telecommunications Week**.
[Recommended by Committee on Justice and Public Safety]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.

Council Member, Mr. Jack H. Schurlknight, Chairman.

- a. General Obligation Bonds Series 2009 Series A proposed project list.
- b. Trident Technical College Funding Request.
- c. Bond Anticipation Note Update.

2. Committee on Land Use.

Council Member, Mr. Phillip Farley, Chairman.

- a. Recommendation to approve request for extension of 2009 Assessment on TMS #082-00-01-030. (Ms. Amy Stewart)

3. Committee on Public Works and Purchasing.

Council Member, Mr. Robert O. Call, Jr., Chairman.

- a. Berkeley County Government Medical Service Provider.
- b. Sole Source purchase for Detention Center.
(Four (4) Taser 26012 from Data Source, Taser International and D.T.C. Communications)
- c. Best Value Bid for Dozer – BC Roads and Bridges Dept.
- d. Best Value Bid for Motor Grader –BC Road and Bridges Dept.

4. Committee on Justice and Public Safety.

Council Member, Mr. Steve C. Davis, Chairman.

Recommendation to approve the following grants for **EPD Dept.**

- a. Local Emergency Management Performance Grant (LEMPG).
- b. Citizens Corps Program (CERT).
- c. State Homeland Security Program (SHSP).
- d. Hazardous Material Emergency Preparedness (HMEP).

5. Committee on Water and Sanitation.

Council Member, Mr. Timothy J. Callanan, Chairman.

6. Committee on Planning and Development.

Council Member, Mrs. Cathy S. Davis, Chairman.

7. Committee on Community Services.

Council Member, Mr. Caldwell Pinckney, Jr., Chairman.

8. Committee on Human Services.

Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

CHARLESTON AREA TRANSPORTATION STUDY

LIBRARY BOARD

MENTAL HEALTH BOARD

PIMLICO SPECIAL TAX DISTRICT

SPECIAL FIRE TAX DISTRICT ADVISORY COMMISSION

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE APRIL 2010, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY APRIL 26, 2010, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND OTHER COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

March 17, 2010
S/Barbara B. Austin, CCC
Clerk of County Council